

REMARKS

In response to the Office Action mailed January 6, 2004, Applicant submits the foregoing amendments and following remarks.

Claims 1, 4-6 and 12 have been amended and new claims 20-24 have been added.

Discussion of the Subject Matter of the Claimed Invention

The claimed invention concerns the use of "voice clips" which are described in the patent specification as portions of a song that have been sung or hummed by a first user into a microphone connected to a device that can communicate with a web server. In preferred implementations, these devices are internet compliance devices, however, they need not be. For example, a conventional phone can be used to capture the voice clip. Such voice clips are accessible by a community of human users that have access to a web site to play the voice clip and selectively identify the song that the first user had sung or hummed. As a result, the first user is benefited with the identity of a song that he or she had in his or her mind, and the persons that assisted that user also can be awarded a benefit, as specified in further aspects covered by certain of the pending claims.

Section 103 of Rejection of Claim 6-11

The Examiner has rejected claims 6-11 as being unpatentable over Palm, U.S. Patent No. 2001/0042107 A1, in view of Dunning et al., Pub. No. U.S. 2003/0229537 A1.

According to the Examiner, Palm teaches each of the elements recited in claim 6, except step (d) in which a benefit is awarded to a user in the event that a predetermined criterion is

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satisfied. For this feature, the Examiner relies upon secondary reference Dunning et al. and contends that persons of ordinary skill in the art would have been motivated to modify Palm in view of Dunning et al. in order to provide “recommendations that are responsive to particular tastes and preferences of individuals, so as to enable implementation of a personalized radio station that presents music tracks likely to be enjoyed by the individual user.” Applicant respectfully traverses that rejection.

Palm concerns an audio player that is connected through a network so as to provide multiple song files to a user through a hierarchy of menu screens. The user can select and play back songs stored on different machines, from various categories and radio stations. There are no “voice-clip authors” as recited in amended claim 6, nor does a user ever cause an electronic notification to be sent to a voice clip author. Rather, the data is input by users of Palm simply to request additional songs to play.

Further, as the Examiner has acknowledged, there is no corresponding feature in Palm to the claimed step of “awarding a benefit to the user for the response provided that at least one predetermined criterion is satisfied.” For this feature, the Examiner relies upon the playback system of secondary reference Dunning et al. includes a “relationship discovery engine” which serves personalized radio stations and music selections to users once the user’s tastes and preferences have been discerned. The Examiner likens this teaching to a benefit to the user. However, Dunning et al. never provides responses to a web site that relate to a “voice clip created by a voice-clip author” nor does Dunning et al. teach or suggest that an electronic notification be sent to the voice-clip author.

Neither Palm nor Dunning et al. cause a message to be sent to the creator of the voice-clip, nor does either suggest such an arrangement because both systems concern playback of songs from networked servers and not notifications to authors of hummed or sung voice clips. Because there is no suggestion in either document that a recording artist (which would correspond to the

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“voiceclip author”) ever receive a notification that the benefit is awarded, claim 6 can not be obvious over the cited combination of documents. It is interesting to consider the difference between a “voice-clip author” as recited in claim 6 and a recording artist such as Britney Spears or Barry Manilow: while the voice-clip author creates a voice clip with the full expectation and desire to have electronic notifications sent to him or her if the predetermined criterion is satisfied, the recording artists who have their songs in the playback systems of Palm and Dunning et al. do not. The invention as defined by claim 6 thus award benefits to users within the community of users that assist voice-clip authors in learning the identity of a song’s name or the artist’s name and it is in that context that notifications to the voice-clip author are required. Otherwise, the voice-clip author would never learn the answer to his or her inquiry. Neither would there be an incentive to the other users to listen to and respond to voice clips with potential answers.

For the foregoing reasons, claim 6 and dependent claims 7-11 are believed to be patentable over the cited references.

Section 103 Rejection of Claims 1-5 and 12-19

Claims 1-5 and 12-19 stand rejected as being obvious over Palm in view of Negishi et al. (U.S. Patent No. 6,504,089) and in further view of Dunning et al. Applicant respectfully traverses this rejection.

With respect to claim 1, the Examiner relies upon Palm and Negishi et al. Palm does not teach the use of a microphone nor does Palm have pertinence to inputting “a voice clip” as recited in claim 1. Negishi et al. describes a Karioki-like device that includes a microphone that can be used to input a voice clip portion of a song. Negishi et al. employ an algorithm to present candidate

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matches to the user for selection, though the operation of that algorithm upon data is not clear. What is clear, however, is that attributes input by the user of Negishi are processed electronically, just as in Palm and Dunning et al. None of these systems make a voice clip or further information available to a human visitor at a server, nor do any of these systems permit multiple human visitors to post the name of the song to the server, with the result that an electronic notification is sent to the client machine that that song has been identified.

With respect to claims 4 and 5, these claims have been amended to more particularly recite what is believed to be an inherent limitation in these claims. Specifically, the additional users are now more particularly recited as "additional human users," consistent with the written description. As compared to the cited documents, none teaches or suggests an arrangement in which human users provide responses to the voice clip submission of a first user. Nor is there a teaching or suggestion in these documents that a notification be received as a function of the input responses of human users to a first user's voice clip, or that such human users might be issued a benefit for assisting the first user.

With regard to claim 12, corresponding amendments have been made to this claim as were made to claim 1. Accordingly, amended claim 12 is submitted to be allowable over the prior art of record.

Newly Presented Claim

Claim 20 has been presented to more completely cover the subject matter of the present invention and concerns the buffering of voice clips in a playlist, as described in the Specification at page 11, line 16 through page 12, line 4.

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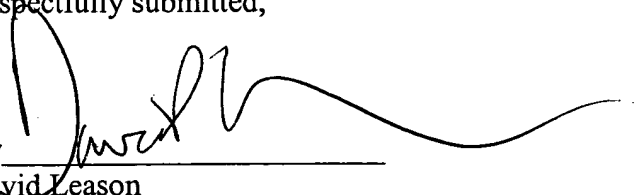
Claim 21 has also been presented to more completely cover the subject matter of the present invention and concerns a method in which actions by multiple users are coordinated through a server. More specifically, a first human user sends the server a voice clip portion of a song, and additional human users are presented for download and playback the voice clip received from the first user. These additional human users are permitted to post a proposed name of the song to the server, and the first human user is selectively provided with an electronic notification, through his client machine, concerning the name of the song in the voice clip. The cited documents do not teach or suggest such a method.

Submitted herewith is the fee for the additional claims.

The undersigned can be contacted directly if the Examiner believes that this might expedite allowance of this case.

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Respectfully submitted,


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